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**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
SEATTLE DIVISION**

9 MANDZELA ZHOCELIN-PATRICK a/k/a
10 MANDZELA ZHOSELIN-PATRICK,

11 an Individual,

12 Plaintiff,

13 v.

14 RITZIO PURCHASE LIMITED,

15 a Cyprus company,

16 Defendant.

Case No.:
2:17-cv-00002-RAJ

**RESPONSE TO COURT'S NOTICE TO
FILER OF DEFICIENCY REGARDING
LOCAL RULE 3(a)**

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18 Plaintiff Mandzela Zhocelin-Patrick, by and through its undersigned counsel, hereby
19 respond's to the Court's Notice to Filer of Deficiency dated January 4, 2017, stating in relevant
20 part that "Pursuant to LCR 3(a), all civil action complaints in which jurisdiction is invoked in
21 whole or in part under 28 U.S.C. § 1338 (regarding patents, trademarks and copyrights) shall be
22 accompanied by the required notice to the Register of Copyrights (Form AO121) or the required
23 notice to the Patent and Trademark Office (Form AO120)."

1 Although this is a trademark related case, Form AO121 and a notice to the Director of the
2 Patent and Trademark Office pursuant to 15 U.S.C. § 1116 is inapplicable in this case. The
3 trademark registrations implicated in this case are Defendant's trademark registrations in Russia
4 and other international trademark registrations. Complaint, ¶ 21. Plaintiff's counsel has
5 searched the Patent and Trademark Office's database and has not found any trademarks
6 registered to Plaintiff in the United States. Nor has Defendant in the prior UDRP Proceeding
7 made reference to any trademark registrations in the United States.

8 Form AO121 is required pursuant to 15 U.S.C. § 1116(c), which states, in relevant part,
9 as follows (emphasis added):

10 It shall be the duty of the clerks of such courts within one month after the filing
11 of any action, suit, or proceeding ***involving a mark registered under the***
12 ***provisions of this chapter*** to give notice thereof in writing to the Director setting
13 forth in order so far as known the names and addresses of the litigants and
14 designating the number or numbers of the registration or registrations upon which
15 the action, suit or proceeding has been brought....

16 Given that this action does not involve a mark registered under the provisions of Chapter
17 22 of Title 15 of the United States Code, no notice is required to be provided to the Patent and
18 Trademark Office.

19 To make clear: this Court has personal jurisdiction over Defendant in this matter on the
20 basis that Defendant explicitly consented to the jurisdiction of this Court for the purposes of this
21 matter. Complaint, ¶ 11. This Court further has subject matter jurisdiction over this matter on
22 the basis of, *inter alia*, federal question and 15 U.S.C. § 1114(2)(D)(v). Complaint, ¶ 10.

1 On the basis of the foregoing, Plaintiff respectfully requests that the Court acknowledge
2 and order that Plaintiff is not required to file Form AO120.

3 DATED this 10th day of January, 2017.
4

5 /s/ Matthew Shayefar
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14 Attorneys for Plaintiff
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CERTIFICATE OF SERVICE

17 I hereby certify that, on the date indicated below, I electronically filed the foregoing with
18 the Clerk of the Court using the CM/ECF system which will send notification of such filing to all
19 parties who have appeared in this matter.

20 Executed January 10, 2017

/s/ Matthew Shayefar
Matthew Shayefar